

Reply to Office Action dated September 5, 2008

REMARKS/ARGUMENTS

The Office Action dated September 5, 2008 has been carefully reviewed. Reconsideration of the objections and rejections contained therein is respectfully requested in view of the following remarks. Claims 1-31 are pending in the application.

35 U.S.C. § 102 & 103 Rejections

Claims 1-3, 5, 6, 8-24, and 26-31 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent 6,937,861 to Vanghi (hereinafter "Vanghi") in view of U.S. Patent 6,269,402 to Lin et al. (hereinafter "Lin"). Claims 4, 7 and 25 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Vanghi in view of Lin, and in further view of U.S. Patent 6,487,399 to Rajaniemi et al. (hereinafter "Rajaniemi"). Applicant respectfully traverses each of these rejections for at least the following reasons.

Reply to Examiner's Response to Arguments

Since the Examiner has maintained the prior rejections and has provided arguments in support of this position, Applicant will address the Examiner's response first.

Applicant argued that Lin fails to teach or suggest "transmitting a pause command to the first wireless network." In response, the Examiner replied:

It is believed that Lin discloses transmitting a pause command to the first network (fig.5, step 512, col.5, lines 57-62 and lines 22-30; initiating a session suspension of the first bearer network by a client) and reestablishing a second connection via a second bearer network by issuing a resume command (see col.6, lines 13-24). (Emphasis added; Final Office Action at pg. 2.)

The Examiner appears to be arguing that because Lin teaches temporarily suspending a communication session, the message used to effectuate that suspension can be considered a pause command. Applicant disagrees that such an interpretation is consistent with the term

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“pause command” as used in the claimed invention. In Lin, a communication session between a client device and a server initially proceeds over a first network connection. When the first network connection is no longer viable, the communication session is suspended and a second network connection is arbitrated. Subsequently, the communication session between the client and server resumes using the second network connection. Accordingly, when Lin states that the first connection is suspended/terminated, it means that the communication session (between client and server) is suspended and the first network connection (between client and first network) is terminated. That is, it is the communication session that is suspended, not the first network connection. The Examiner’s statement highlighted above that Lin initiates a “session suspension” of the “first bearer network” is therefore inaccurate; the communication session is suspended, but the first bearer network connection is terminated.

In contrast, claim 1, for example, recites “transmitting a pause command to the first wireless network... [and] transmitting a resume command to the first wireless network.” Although Lin stops and later resumes a communication session between a client and server, the first network connection itself is not resumed. Lin as applied cannot teach “pausing” a network connection that is never actually or intended to be resumed, and therefore cannot teach transmitting a pause command to the first wireless network in the manner of the claimed invention.

Furthermore, Applicant submits that Lin as applied is also incompatible with the claimed invention. Applicant additionally argued as such in the previous response, however, the Examiner has not addressed Applicant’s concerns as to the combinability of the cited references. For example, Applicant argued that if the teachings of Lin were applied to those of Vanghi as in the proposed modification by the Examiner, Vanghi would actually terminate the disclosed first radio network connection before briefly communicating with the second radio network. Vanghi

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would therefore be rendered unsatisfactory for its intended purpose of thereafter continuing communication with the first radio network without having to completely re-establish such a connection. (See Applicant's response dated May 8, 2008, at pgs. 11-12.) If the Examiner disagrees, Applicant respectfully requests that the Examiner provide a detailed rebuttal of Applicant's position such that prosecution may move forward.

SUMMARY

Since the Examiner has maintained his rejection of claims 1-31 under 35 U.S.C. § 103 as noted above, Applicant once again traverses these rejections. Applicant expressly maintains the reasons from the prior responses to clearly indicate on the record that Applicant has not conceded any of the previous positions relative to the maintained rejections. For brevity, Applicant expressly incorporates the prior arguments presented in the May 8, 2008 response without a literal rendition of those arguments in this response.

For at least the foregoing reasons and the reasons set forth in Applicant's response of May 8, 2008, it is respectfully submitted that claims 1-31 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

Serial No. 10/075,058

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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Attachment(s): (none)